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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

| | | |
|-----------------------------|---|----------------|
| RTG, LLC, a Florida Limited |) | |
| Liability Company, |) | CASE NO. _____ |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | COMPLAINT |
| |) | |
| LISA KATONA FODERA, an |) | |
| individual, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

PLAINTIFF, RTG LLC’S, ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff RTG, LLC (“RTG”), a Florida Limited Liability Company, as and for its Complaint, alleges as follows:

THE PARTIES

1. RTG is a Florida limited liability, and the successor in interest of interests held by Julian Jackson, an individual residing in Los Angeles County, California.

2. RTG is informed and believes, and thereupon alleges, that Defendant Lisa Katona Fodera (“Fodera”) is and was at all times mentioned herein, an individual residing in Bexar County, Texas. Defendant Lisa Katona Fodera was previously known as “Lisa Galaz”.

BACKGROUND

3. On November 30, 2011, the U.S. Bankruptcy Court for the Western District of Texas, in case no. 07-53287, Adversary no. 08-5043, issued an order compelling Broadcast Music, Inc. (“BMI”) to pay over into the court registry any monies collected by BMI derived from music written and recorded by the musical artist known as the “Ohio Players” (the “BMI Royalties”). Since such date, BMI has paid over the BMI Royalties into the bankruptcy court registry.

4. On November 16, 2015, in case no. SA-13-CA-379 (which adopted proposed findings from bankruptcy case no. 07-53287), the U.S. District Court for the Western District of Texas issued a judgment that awarded ownership to the copyright and royalties derived from music written and recorded by the musical artist

known as the “Ohio Players” to the following individuals: Julian Jackson (50%), Lisa Galaz (25%), and Raul Galaz (25%).

5. On March 27, 2017, RTG initiated a lawsuit against Julian Jackson in California state court. This litigation resulted in a judgment in favor of RTG. In an effort to collect upon that judgment, a Writ of Execution was issued. Pursuant to that Writ of Execution, the Sheriff of Los Angeles County, California conducted a public sale of Jackson’s personal property. More specifically, on June 14, 2018, the Sheriff conducted a public auction of “Julian Jackson’s 50% interest in all royalty and other rights in the music of the Ohio Players”.

6. At the June 14, 2018 public auction, RTG was the successful bidder amongst four other bidders, and RTG was deemed the owner of the auctioned rights. Consistent therewith, the Sheriff issued a “Certificate of Sale of Personal Property”, confirming RTG’s acquisition of Julian Jackson’s share of the rights that were the subject of this Court’s judgment of November 16, 2015. **See Exhibit A.** Accordingly, RTG is the rightful assignee and successor-in-interest to Jackson’s interest in the copyright and royalties in the music of the Ohio Players, including but not limited to a 50% portion of the BMI Royalties that have been paid into and accrued in the registry of the bankruptcy court.

7. According to statements made on September 24, 2018 and thereafter by Fodera and Fodera’s legal representatives, Fodera has repudiated RTG’s ownership

of “Julian Jackson’s 50% interest in all royalty and other rights in the music of the Ohio Players”. On December 3, 2018, Fodera’s attorney appeared in a hearing before the U.S. Bankruptcy Court for the Western District of Texas, challenged the validity of RTG’s ownership, and challenged RTG’s entitlement to any portion of the BMI Royalties.

8. RTG denies and contests Defendant’s position and contends, *inter alia*, that Plaintiff RTG is the owner of Jackson’s 50% interest in the copyright and royalties in the music of the Ohio Players.

9. Fodera has periodically moved the Bankruptcy Court for distribution of the BMI Royalties. According to court records, Fodera has received an aggregate of \$481,499 from bankruptcy court-authorized distributions, whereas Julian Jackson has only received \$17,245. That is, Fodera has received \$464,254 more than Julian Jackson.

10. Fodera has failed to pay over to Jackson (or RTG) any portion of the BMI Royalties and, commencing September 24, 2018, has denied any obligation to do so. Consequently, Fodera has inappropriately retained \$232,127 of funds that should have been paid over to Julian Jackson (or RTG) as the co-owner of copyright to the music written and recorded by the musical artist known as the “Ohio Players”.

11. There is currently no less than \$118,687 of additional BMI Royalties that are in the bankruptcy court registry, and remain undistributed.

JURISDICTION

12. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1332 and 1338(a). The action presents a federal question regarding actions arising under the U.S. Copyright Act, 17 U.S.C. § 101, *et seq.*, the amount in controversy exceeds \$75,000, and the action is between citizens of different states. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and 1400(a).

FIRST CAUSE OF ACTION AGAINST DEFENDANT (DECLARATORY RELIEF)

13. Plaintiff RTG incorporates herein by reference the allegations of paragraphs 1 through 12, as if set forth in full here.

14. Plaintiff RTG brings this action for a judgment declaring that Plaintiff RTG is the fifty-percent (50%) owner of copyright and monetary interests in the musical compositions and sound recordings of the musical recording artist known as “The Ohio Players”, and that Defendant Fodera is barred from contending otherwise.

15. There is an actual and substantial controversy between Plaintiff RTG and Defendant Fodera arising under federal copyright law, 17 U.S.C. § 101, *et seq.*

**SECOND CAUSE OF ACTION AGAINST DEFENDANT
(FAILURE TO ACCOUNT TO CO-OWNER OF COPYRIGHT)**

16. Plaintiff RTG incorporates herein by reference the allegations of paragraphs 1 through 15, as if set forth in full here.

17. As the co-owner of copyright to the musical compositions and sound recordings of the musical recording artist known as “The Ohio Players”, Plaintiff RTG has made demand upon Defendant Fodera for Plaintiff’s share of the BMI Royalties. Defendant Fodera has refused to make such accounting, in contravention of the U.S. Copyright Act.

WHEREFORE, Plaintiff RTG, LLC prays for judgment against Defendant Fodera, as follows:

1. For a declaration that Plaintiff RTG is the fifty-percent (50%) owner of copyright and monetary interests in the musical compositions and sound recordings of the musical recording artist known as “The Ohio Players”;
2. For general damages in the amount of \$232,127 (17 U.S.C. § 504);
3. For distribution of all BMI Royalties in the bankruptcy court registry until Plaintiff RTG’s general damages have been fully recouped (17 U.S.C. § 502);
4. For an order dissolving the bankruptcy court’s order of November 30, 2011, and for prospective BMI Royalties to be paid over to Plaintiff RTG

until Plaintiff RTG's general damages have been fully recouped (17 U.S.C. § 502);

5. For Plaintiff RTG's costs of suit herein (17 U.S.C. § 505);
6. For Plaintiff RTG's reasonable attorneys' fees (17 U.S.C. § 505); and
7. For such other and further relief as the Court deems just and proper.

DATED: January 31, 2019

Respectfully Submitted,

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